

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MARTIN ROSS,

Defendant.

19-cr-913 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

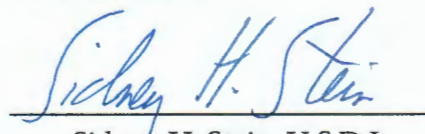
The Court has received defendant's "motion for enlargement of time" to file a motion pursuant to 28 U.S.C. § 2255. Under *Green v. United States*, a district court cannot consider the timeliness of a Section 2255 motion until the Section 2255 motion is actually filed. 260 F.3d 78, 82 (2d Cir. 2001).

If defendant plans to file a substantive Section 2255 motion, he should do so expeditiously and should set forth any facts establishing that he has acted with reasonable diligence in attempting to pursue this relief or why "rare and exceptional" circumstances would warrant equitably tolling the limitations period. *Id.* at 82, 86.

The Clerk of Court is directed to mail a copy of this Order to defendant as follows: Martin Ross [87784-054], USP Lewisburg, US Penitentiary Satellite Camp, PO Box 2000, Lewisburg, PA 17837.

Dated: New York, New York  
August 3, 2023

SO ORDERED:

  
Sidney H. Stein, U.S.D.J.